

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
BECKLEY DIVISION

FRANK G. TREADWAY, JOEY CLARK  
HATFIELD, AND CHARLES W.  
HENSLEY, INDIVIDUALLY AND ON  
BEHALF OF ALL OTHERS SIMILARLY  
SITUATED;

Plaintiffs,

vs.

BLUESTONE COAL CORP., BLUESTONE  
INDUSTRIES, INC., AND; AND MECHEL  
BLUESTONE, INC.,

Defendants,

5:16-CV-12149

**Mediated Settlement Agreement**

Subject to typical District Court class action settlement procedures and Court approval, the parties agree to settle this matter as follows:

1. The Defendants agree to pay \$782,000 to the Plaintiff's inclusive of a ten percent (10%) attorney's fees and costs paid in three equal installments of \$260,666.67, the first payment being due by September 30, 2018, the second payment being due by December 31, 2018 and the final payment being due within 18 months of April 23, 2018;
2. The Defendants agree to pay to the class representatives the sum of \$10,000 each for the total sum of \$30,000.00, paid in three equal installments of \$10,000.00, the first payment being due by September 30, 2018, the second payment being due by December 31, 2018 and the final payment being due within 18 months of April 23, 2018;

3. The Defendant's agree to pay to a class administrative fee to Mountain State Justice of \$30,000.00, paid within 60 days of April 23, 2018;
4. Defendants will enter a Judgment Order for the amounts stated herein which the Plaintiff's agree will not be executed upon unless the Defendants default upon the payment of the amounts stated herein within the periods stated herein. In lieu of the legal rate of interest, the Defendants agree to pay a penalty of One Thousand Dollars (\$1,000.00) per day for each day a payment due hereunder is late with the right of a fifteen (15) day cure period. Should a payment be late and not cured within 15 days of the due date, then the penalty of One Thousand Dollars (\$1,000.00) will be retroactive to the original due date of the payment.

Agreed to:



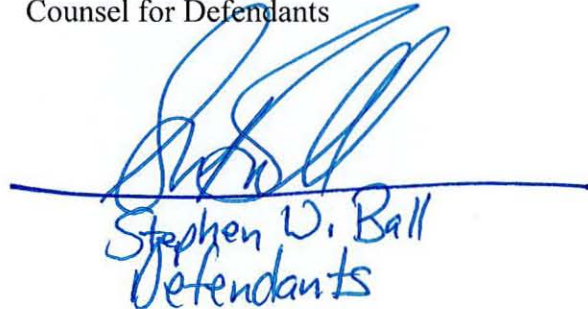
Samuel B. Petsonk, Esq.  
Bren Pomponio, Esq.  
Counsel for Plaintiffs



John F. Hussell, IV, Esq.  
John D. Wooten, Jr. Esq.  
Andrew Ellis, Esq.  
Counsel for Defendants



FRANK G. TREADWAY  
Class Representative



Stephen W. Ball  
Defendants



JOEY CLARK HATFIELD  
Class Representative



CHARLES W. HENSLEY  
Class Representative